

Janet Napolitano
Governor

Robert J. Maynard O.D.
President

Robert B. Pinkert, O.D.
Vice President



Arizona State Board of Optometry
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Jack Confer
Executive Director

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FINAL MINUTES FOR REGULAR SESSION MEETING: JANUARY 21, 2005

Board Members

Robert J. Maynard, O.D., President
Robert B. Pinkert, O.D., Vice President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Blair Driggs, Assistant Attorney General

A. CALL TO ORDER:

Dr. Maynard called the meeting to order at 9:00 a.m.

B. ROLL CALL:

Board Members Present: Robert J. Maynard, O.D., President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis Winkler, M.D.
Lawrence Ponemon, PhD

Board Members Absent: Robert B. Pinkert, O.D., Vice President

Legal Counsel Present: Blair Driggs, Assistant Attorney General

Staff Present: Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

C. PRESIDENT'S REPORT:

None.

D. ELECTION OF OFFICERS PURSUANT TO THE PROVISIONS OF A.R.S. § 32-1703 (A):

MOTION: Dr. Sorenson nominated Dr. Robert Pinkert for office of President. Dr. Griego seconded the motion.

VOTE: Motion passed 5-0.

MOTION: Dr. Griego nominated Dr. Christina Sorenson as Board Vice-President. Dr. Ponemon seconded the motion.

VOTE: Motion and nomination passed unanimously.

E. REVIEW, DISCUSSION AND POSSIBLE VOTE ON FORMAL ADMINISTRATIVE HEARING:

1. ASBOO vs. Faketickers.com & Brian Soto, 04-200339-OBA

Appearing as an advocate, Mr. Driggs summarized the case and asked the Board to consider and admit information presented by Mr. Confer as well as continue Cease and Desist order against Faketickers.com.

MOTION: Dr. Sorenson moved to accept the testimony, and allegations as the Findings of Fact and Conclusions of Law, ordering the Cease and Desist Order to remain in force and effect. Dr. Griego seconded motion.

VOTE: Motion passes 5-0.

F. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

2. J.H. vs. G. Elden Blair, O.D., IR#200447

Dr. Winkler summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

3. L.D. vs. Kenneth W. O'Daniel, IR#200434

Dr. Sorenson summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Ponemon seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X	X			X
NO	1				X		
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 4-1.

4. R.S. vs. Debbie Duong, O.D., IR#200441

Dr. Ponemon summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

5. R.B. vs. Leo Biglaiser, IR#200446

Dr. Maynard summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

6. K.B. vs. Neha C. Amin, O.D., IR# 200445

MOTION: Dr. Griego moved to go into executive session for legal advice and discussion of confidential records. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

Board went into executive session at 10:08 AM

Board reconvened regular session at 10:14 AM

Dr. Griego summarized the case and recommended the Board request records from Dr. Amin, and all treating physicians and refer to informal interview for possible violation of the optometry practice act.

MOTION: Dr. Winkler moved to obtain further records and send to informal interview. Dr. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

7. J.W. vs. Mark W. Peller, O.D., IR#200443

Dr. Griego summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Winkler moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

G. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH PROBATIONARY ORDERS:

8. Vincent G. Sanchez, IR#200422

Mr. Confer summarized the case to inform the Board that the O.D. has been compliant with the order.

H. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

- 9. Carlson, Lars
- 10. Corbett, Crista
- 11. Gan, Junyan
- 12. Goldman, Craig
- 13. Houck, Jon
- 14. Withdrawn
- 15. Withdrawn
- 16. Suchsland, Peter

MOTION: Dr. Sorenson moved to approve all above listed applicants excluding tabs 13-16. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0.

MOTION: Dr. Sorenson moved to deny licensure to Tab 13, Jon Houck based on an inaccurate answer to a question on the application. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0.

MOTION: Dr. Sorenson moved to deny licensure to Tab 16, Peter Suchsland based on an inaccurate answer to a question on the application. Dr. Griego seconded the motion.

VOTE: The motion passed 5-0.

I. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING ENDORSEMENT APPLICATIONS:

17. Col, Peter
18. Horn, Edward
19. Kellogg, Raymond
20. Lim, Joaquin
21. Marsich, Matthew
22. Maynard, Milford
23. Murphy, John
24. Pembroke, John
25. Pristaw, Albert
26. Santoro, James
27. Yanofsky, Ben

MOTION: Dr. Sorenson moved to approve all above listed applicants excluding tab 26. Dr. Winkler seconded the motion.

VOTE: The motion passed 5-0

MOTION: Dr. Sorenson moved to grant license to Dr. Santoro. Dr. Maynard seconded.

VOTE: The motion passed 5-0.

J. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

Fiscal Year 2005/2006

	Continuing Education	Date	No. of hours requested
a.	South Carolina Opt. Assoc.-47 th Annual CE Convention	12/1-12/4/04	20 Regular
b.	AZoA-Bronstein Seminar	1/28-1/30/05	20 Regular
c.	Univ. of Houston-CE in the Rockies	7/8-7/11/04	16 Regular
d.	Pacific University-A Review of Glaucoma examination procedures and New Instrumentation	Correspondence	3 Correspondence
e.	Heart of America-Contact Lens & Primary Care Congress	2/11-2/13/05	48 Regular 6 PM
f.	Utah Optometric Assoc.-UOA 2003 Annual Convention	6/5-6/8/03	13 Regular 4 PM
g.	Utah Optometric Assoc.-2004 Annual Convention	6/3-6/6/04	14 Regular 2 PM
h.	Pacific University-A Review of Diabetes with Emphasis on Ocular consequences	Correspondence	3 Correspondence
i.	American Academy of Optometry-Academy 2004 Tampa	12/9-12/12/04	274 Regular 5 PM

MOTION: Dr. Maynard moved to accept tabs a through d as listed. Dr. Sorenson seconded the motion.

FINAL

VOTE: The motion passed 5-0.

MOTION: Dr. Griego moved to approve tabs e through i as listed. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0.

K. REVIEW, CONSIDERATION AND VOTE FOR CONFIRMATION OF COURSE REVIEWERS FOR THE COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION.

28. Letter from the Council on Optometric Practitioner Education

MOTION: Dr. Sorenson moved to accept Drs. Jones and Gong as approved COPE reviewers. Dr. Griego seconded the motion.

VOTE: Motion passes 5-0.

L. REVIEW, CONSIDERATION AND VOTE FOR APPROVAL OF LIST OF POTENTIAL EXAMINERS FOR APRIL 2005 CLINICAL SKILLS ADMINISTRATION

29. Letter from National Board of Examiners in Optometry

Mr. Confer summarized and asked Board to approve the list of examiners.

MOTION: Dr. Griego moved to approve the Arizona list of examiners as provided by NBEO. Dr. Sorenson seconded.

VOTE: Motion passed 5-0

M. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

30. November 19, 2004 Regular Session Meeting Minutes

Staff requested that the approval of minutes be tabled until the next scheduled Board meeting.

Request was granted by the Board.

N. REQUEST FOR CONTINUING EDUCATION DISCRETIONARY EXEMPTION PURSUANT TO A.A.C. R4-21-209.

30. Letter from Peter A. Thompson, O.D. requesting extension of continuing education completion

Dr. Maynard summarized the letter and asked the Board to grant the extension of CE to Dr. Thompson and asked that staff request a letter from Dr. Thompson's medical doctor confirming his diagnosis.

MOTION: Dr. Sorenson moved to grant an extension for CE hours to Dr. Thompson. Dr. Ponemon seconded the motion.

VOTE: Motion passed 5-0.

O. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF CELMO

32. Letter form the Council on Endorsed Licensure Mobility for Optometrists

Mr. Confer summarized the letter and asked the Board to approve our participation in this program.

MOTION: Dr. Sorenson moved to approve Arizona's participation in CELMO. Dr. Griego seconded the motion.

VOTE: Motion passed 5-0.

P. EXECUTIVE DIRECTOR'S REPORT:

- 33. Budget Report (Information Only)
Budget Summary Report
- 34. Board Statistics (Information Only)
- 35. Summary of Investigative Reviews (Possible Discussion)
- 36. Criminal Charge Tracking Update (Possible Discussion)
- 37. Agency Calendar 2005
- 38. Board Correspondence
 - a. Southwestern Eye Center

Mr. Confer reported on tabs 33-38a inclusive.

Q. CALL TO PUBLIC:

Dr. Maynard made a call to the public at 11:00 a.m. No one was present to address the Board.

Dr. Maynard moved to adjourn the meeting. Dr. Ponemon seconded the motion. Meeting adjourned at 11:05 a.m.

END OF MINUTES:

Jack Confer, Executive Director

Date